

REMARKS

This response places the above-referenced patent application in better condition for allowance, and therefore, is a proper response after Final pursuant to 37 C.F.R. §1.116.

Claims 6, 8, 12, 14, 18, 20 and 22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3, 6, 8, 13, 20 and 22 of U.S. Application Serial No. 09/148,723 in view of PCT Publication WO98/12738.

Claims 4, 5, 7, 9-11, 16, 17, 21, 45 and 46 stand withdrawn from consideration as being drawn to a non-elected invention.

Applicant's representative held an interview with Examiner Tugbang on April 22, 2004 and pointed out that the pending Office Action was unclear as to whether withdrawn dependent claims 4, 5, 7, 9-11, 16, 17, and 21 would be rejoined with independent claims 12 and 18 after filing of a terminal disclaimer to overcome the provisional double patenting rejection. Applicant's representative pointed out that since independent claims 12 and 18 would be allowable upon overcoming the provisionally double patenting rejection, such independent claims are generic or linking as to the above-listed dependent claims. The Examiner agreed.

To put this case in form for allowance, the Examiner stated the following:
1) a terminal disclaimer must be filed; and 2) claims 45-46 must be cancelled

as being claims directed to another invention, species II, of paper no. 7 which were not elected for prosecution.

In response, a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) is enclosed to overcome the provisional obviousness-type double patenting rejection against claims 6, 8, 12, 14, 18, 20 and 22. Accordingly, the double patenting rejection is overcome and should be withdrawn.

No other rejections are presented against claims 6, 8, 12, 14, 18, 20 and 22, and therefore, such claims are allowable.


Moreover, dependent claims 4, 5, 7, 9-11, 16, 17, and 21 should be rejoined with allowable independent claims 12 and 18, and as dependent claims of allowable independent claims, claims 4, 5, 7, 9-11, 16, 17, and 21 are allowable.

Claims 45-46 are cancelled.

This application is now believed to be in immediate condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

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